

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

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|---------------------------|---|----------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | CR. No.: 7:98-1169-HMH |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Sonji Prince Pabellon, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit. United States v. Pabellon, No. 05-7912, 2006 WL 1985447, at *1 (4th Cir. July 17, 2006). Sonji Prince Pabellon (“Pabellon”) appealed the court’s orders denying both her motion for a reduction of sentence pursuant to 18 U.S.C. § 3582 and her motion for reconsideration. However, Pabellon failed to file her notice of appeal within ten days after the entry of judgment on her motion for reconsideration. Id.; Fed. R. App. P. 4(b)(1)(A).

Pabellon’s “notice of appeal was filed within the thirty-day excusable neglect period.” Pabellon, 2006 WL 1985447, at *1; Fed. R. App. P. 4(b)(4). Therefore, on July 17, 2006, the Fourth Circuit remanded this case “for the court to determine whether Pabellon has shown excusable neglect or good cause warranting an extension of the ten-day appeal period.” Pabellon, 2006 WL 1985447, at *1. The court orders Pabellon to file within ten (10) days from the date of this order a memorandum setting forth her arguments as to why the court should find “excusable neglect or good cause warranting an extension of the ten-day appeal period.” Id.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
July 27, 2006